

FORM PTO-1390  
(REV 3/2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: December 3, 2004

EXPRESS MAIL LABEL NO.  
EV351241919USATTORNEY DOCKET NO.  
53989/DBP/S632

U.S. APPLICATION NO.

NA 10/516877

INTERNATIONAL APPLICATION NO.  
PCT/AU2003/00408INTERNATIONAL FILING DATE  
April 4, 2003PRIORITY DATE CLAIMED  
June 3, 2002TITLE OF INVENTION  
WDM MODULE

APPLICANT(S) FOR DO/EO/US

**OWENS, Mark J.; SEILER, Chia; BROWN, Brian Robert; BONWICK, Mark Henry; SCOTT, Quentin; GOH, Robert; HALGREN, Ross; and LAUDER, Richard**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application ~~as filed~~ (35 U.S.C. 371(c)(2)).
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/LUS).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (UNEXECUTED)
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 13 to 20 below concern document(s) or other information included:**

13. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ SMALL ENTITY Assertion: Applicant(s) and any other associated with it/them under 37 CFR § 1.27(a) are a small entity.
20. ☒ Certificate of Mailing by Express Mail.
21. ☒ Other items or information: Extra Set of Drawings

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U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>N/A</b>		INTERNATIONAL APPLICATION NO. <b>PCT/AU2003/00408</b>		ATTORNEY DOCKET NO. <b>53989/DBP/S632</b>	
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22. The following fees are submitted:  <input checked="" type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO: <b>\$1,110.00</b>  <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <b>\$950.00</b>  <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <b>\$790.00</b>  <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) <b>\$750.00</b>  <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) <b>\$100.00</b>  <div style="text-align: right;"><b>ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 1,110.00</b></div>				<b>CALCULATIONS</b>		<b>PTO USE ONLY</b>	

Surcharge of \$130 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
<b>Claims</b>	<b>Number Filed</b>	<b>Number Extra</b>	<b>Rate</b>		
Total Claims	27+9-20=	16	X \$18	\$ 288.00	
Independent Claims	2-3=	0	X \$88	\$ 0	
Multiple dependent claim(s) (if applicable)			+ \$300	\$ 300.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,828.00	
Reduction by 1/2 for filing by small entity, if applicable. Verified Small entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0	
<b>SUBTOTAL =</b>				\$ 1,828.00	
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0	
<b>TOTAL NATIONAL FEE =</b>				\$ 1,828.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 0	
<b>TOTAL FEES ENCLOSED =</b>				\$ 1,828.00	
Note (1): The basic national fee must be paid when filing this application. The 20-month time limit (37 CFR § 1.494) and 30-month time limit (37 CFR § 1.495) are not extendable.				Amount to be:	\$
				Refunded	
				charged	\$

☒ A check in the amount of \$ 1,828.00 to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 03-1728. A duplicate copy of this sheet is enclosed.

**NOTE (2):** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO: CUSTOMER NUMBER: 23363

**D. Bruce Prout**  
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By *D. Bruce Prout*  
**D. Bruce Prout**  
 Reg. No. 20,958